

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LINDA FAIRSTEIN,)	
)	
Plaintiff,)	
)	Case No. 20-cv-8042 (PKC)
v.)	
)	
NETFLIX, INC., AVA DUVERNAY, and)	
ATTICA LOCKE,)	
)	
Defendants.)	

**DECLARATION OF NATALIE J. SPEARS IN SUPPORT OF
DEFENDANTS' MOTION TO SEAL**

I, Natalie J. Spears, hereby declare, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Dentons US LLP and am one of the counsel for Defendants Netflix, Inc., Ava DuVernay and Attica Locke (“Defendants”) in this action. I submit this declaration in support of Defendants’ Motion to Seal.

2. On November 2, 2022, pursuant to the Parties’ agreement, Defendants sent Plaintiff a letter identifying the portions of their deposition testimony and exhibits that they believe should be filed in redacted form or under seal. (Exhibit 1.)

3. On November 16, in accordance with the Protective Order in this case, Plaintiff sent Defendants a list of the designated deposition testimony and exhibits and other confidential documents produced by Defendants that Plaintiff intends to submit with her Opposition to Defendants’ Motion for Summary Judgment. (Exhibit 2.)

4. Below is a list of the documents that Defendants seek to file under seal or in redacted form for the reasons set forth in Defendants’ Motion to Seal submitted herewith. Unless noted as being filed in redacted form, all documents are provisionally filed under seal. Defendants

also submit under seal unredacted copies of the redacted documents with the proposed redactions highlighted in yellow.

5. Exhibit 3 attached hereto is a true and correct copy of handwritten notes from Ms. Locke's files, Bates-stamped DEFS035246-263.

6. Exhibit 4 attached hereto is a true and correct copy of handwritten notes from Ms. Locke's files, Bates-stamped DEFS035268-288.

7. Exhibit 5 attached hereto is a true and correct copy of an excerpt of handwritten notes from Ms. Locke's files, Bates-stamped DEFS035308, DEFS035322-323.

8. Exhibit 6 attached hereto is a true and correct copy of handwritten notes from Ms. Locke's files, Bates-stamped DEFS035348-372.

9. Exhibit 7 attached hereto is a true and correct copy of an excerpt of handwritten notes from Ms. Locke's files, Bates-stamped DEFS035404-405, DEFS035418-419.

10. Exhibit 8 attached hereto is a true and correct copy of a communication Bates-stamped DEFS082915-916. A proposed redacted version of this document is submitted herewith.

11. Exhibit 9 attached hereto is a true and correct copy of handwritten notes from Ms. Locke's files, Bates-stamped DEFS036189-313.

12. Exhibit 10 attached hereto is a true and correct excerpt of a binder from Ms. Swicord's files. As part of the meet and confer process, Defendant requested that Plaintiff remove portions of this binder relating to the writers' personal interviews with the Five. Plaintiff requested that she be allowed to file a few pages of one of the interviews, but agreed to file the document under seal. Defendants agree to this request. The excerpted version of the binder is filed under seal herewith.

13. Exhibit 11 attached hereto is a true and correct copy of a communication and attachment Bates-stamped DEFS009145-228. The attachment to the communication is a copy of the transcript for Korey Wise's videotaped "confession" statement that was given to the writers. This transcript has been redacted to mirror the redactions to this document on the publicly available NYC website. A redacted version of this document is submitted herewith.

14. Exhibit 12 attached hereto is an excerpt of a true and correct copy of Antron McCray's videotaped "confession" statement that was given to the writers, Bates-stamped DEFS037809-811. This transcript has been redacted to mirror the redactions to this document on the publicly available NYC website. A redacted version of this document is submitted herewith.

15. Exhibit 13 attached hereto is an excerpt of a true and correct copy of Kevin Richardson's videotaped "confession" statement that was given to the writers, Bates-stamped DEFS045841-844. This transcript has been redacted to mirror the redactions to this document on the publicly available NYC website. A redacted version of this document is submitted herewith.

16. Exhibit 14 attached hereto is a true and correct copy of a communication and excerpt of an attachment Bates-stamped DEFS0091735 and DEFS91739-811.

17. Exhibit 15 attached hereto is a true and correct copy of a communication Bates-stamped DEFS093406. A proposed redacted version of this document is submitted herewith.

18. Exhibit 16 attached hereto is a true and correct copy of a chart prepared by my office identifying the names and contact information for Ms. DuVernay's contacts. This document is being filed under seal with redactions for the names and contact information of persons not at issue in the documents Plaintiff seeks to use in her opposition brief.

19. Exhibit 17 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177725. This document is being filed under seal.

20. Exhibit 18 attached hereto is a true and correct copy of excerpts from Ms. DuVernay's deposition in this matter taken on June 8, 2022. A proposed redacted version of this document is submitted herewith.

21. Exhibit 19 attached hereto is a true and correct copy of a communication Bates-stamped DEFS173489-490. A proposed redacted version of this document is submitted herewith.

22. Exhibit 20 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177317.

23. Exhibit 21 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177320-321.

24. Exhibit 22 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177582-586.

25. Exhibit 23 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177591-594.

26. Exhibit 24 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177595-597.

27. Exhibit 25 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177492-502.

28. Exhibit 26 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177390.

29. Exhibit 27 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177572.

30. Exhibit 28 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177522-523.

31. Exhibit 29 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177405-407.

32. Exhibit 30 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177423-433.

33. Exhibit 31 attached hereto is a true and correct copy of a communication Bates-stamped DEFS160371-372.

34. Exhibit 32 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177653.

35. Exhibit 33 attached hereto is a true and correct copy of a communication Bates-stamped DEFS177503-507.

36. Exhibit 34 attached hereto is a true and correct copy of a communication Bates-stamped DEFS176209.

37. Exhibit 35 attached hereto is a true and correct copy of excerpts from Ms. Locke's deposition in this matter taken on June 22, 2022. A proposed redacted version of this document is submitted herewith.

38. Exhibit 36 attached hereto is a true and correct copy of a communication Bates-stamped DEFS176198.

39. Exhibit 37 attached hereto is a true and correct copy of a chart prepared by my office identifying the names and contact information for Ms. Locke's contacts. This document is being filed under seal with redactions for the names and contact information of persons not at issue in the documents Plaintiff seeks to use in her opposition brief..

40. Exhibit 38 attached hereto is a true and correct copy of a communication Bates-stamped DEFS176145-146.

41. Exhibit 39 attached hereto is a true and correct copy of a communication Bates-stamped DEFS176147-152.

42. Exhibit 40 attached hereto is a true and correct copy of handwritten notes from Ms. Swicord's file, Bates-stamped DEFS007786-826. A proposed redacted version of this document is submitted herewith.

43. Exhibit 41 attached hereto is a true and correct copy of a communication Bates-stamped DEFS163021.

44. Exhibit 42 attached hereto is a true and correct copy of excerpts from Ms. Swicord's deposition in this matter taken on May 12, 2022. A proposed redacted version of this document is submitted herewith.

45. Exhibit 43 attached hereto is a true and correct copy of a communication Bates-stamped DEFS163025-026.

46. Exhibit 44 attached hereto is a true and correct copy of excerpts from Ms. Engel's deposition in this matter taken on June 24, 2022. A proposed redacted version of this document is submitted herewith.

47. Exhibit 45 attached hereto is a true and correct copy of a communication Bates-stamped DEFS094234. A proposed redacted version of this document is submitted herewith.

48. Exhibit 46 attached hereto is a true and correct copy of a communication Bates-stamped DEFS159923. A proposed redacted version of this document is submitted herewith.

49. Exhibit 47 attached hereto is a true and correct copy of a communication Bates-stamped DEFS145538-539. A proposed redacted version of this document is submitted herewith.

50. Exhibit 48 attached hereto is a true and correct copy of a communication Bates-stamped DEFS0149003.

51. Exhibit 49 attached hereto is a true and correct copy of a communication Bates-stamped DEFS175523-524.

52. Exhibit 50 attached hereto is a true and correct copy of an internal Netflix performance analysis document Bates-stamped DEFS145098-128.

53. Exhibit 51A and Exhibit 51B attached hereto are true and correct copies of Netflix's Public Relations Strategy document for the Series, Bates-stamped DEFS144759-767.

54. Exhibit 52 attached hereto is a true and correct copy of Netflix's Communications Plan for the Series, Bates-stamped DEFS169113-117.

55. Exhibit 53 attached hereto is a true and correct copy of a communication and attachment Bates-stamped DEFS147845-868.

56. Exhibit 54 attached hereto is a true and correct copy of an internal marketing and public relations document for the Series, Bates-stamped DEFS169055-071.

57. Exhibit 55 attached hereto is a true and correct copy of a communication and attachment Bates-stamped DEFS169212-214.

58. Exhibit 56 attached hereto is a true and correct copy of excerpts from Ms. Dunbar's deposition in this matter taken on May 27, 2022. A proposed redacted version of this document is submitted herewith.

59. Exhibit 57 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144625-27.

60. Exhibit 58 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144464-483.

61. Exhibit 59 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144587-607.

62. Exhibit 60 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144439-45.

63. Exhibit 61 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144446-52.

64. Exhibit 62 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144460-63.

65. Exhibit 63 attached hereto is a true and correct copy of a contract Bates-stamped DEFS144457-576.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 23, 2022

/s/ Natalie J. Spears

Natalie J. Spears